

REMARKS

Amendments to Claims:

The Applicants have made a several amendments correcting minor informalities in the claims. Support for the amendment to claim 5 is found at page 14, line 1 of the specification. Support for the amendment to claim 12 is found at page 15, lines 4 and 5 of the specification. The Applicants respectfully request that these amendments be entered prior to substantive examination of the present application.

Election / Restriction:

The Examiner has restricted the claims of the present application as follows:

Group I - claims 1 to 7 and 11 to 20 drawn to a suture trimming apparatus;
and
Group II - claims 8 to 10 drawn to method of suturing.

In addition, the Examiner stated that there were three patentably distinct species of the invention, as illustrated in Figs. 1, 8 or 14. The Examiner requires that Applicants elect one of these 3 Figures, and list all claims readable thereon.

In order to comply with the Examiner's requirements, the Applicants hereby elect Group I, claims 1 to 7 and 11 to 20, drawn to a suture trimming apparatus, with traverse. In addition, Applicants hereby elect the species of the invention illustrated in Fig. 1. Claims 1 to 7 are readable on the elected species.

In setting forth the present Restriction Requirement, the Examiner stated that the method claims (Group II) are distinct from the apparatus claims (Group I) since the method can be used on a materially different device. Specifically, the Examiner stated that the presently claimed method can be used on "a needle and a scissor".

The Applicants respectfully disagree with and traverse the restriction and election of species requirements, as follows. As set forth in claim 8, the method requires the step of disposing the free end of a suture through "a groove and an opening formed in a distal end of a suture trimmer" and requires actuating "a cutting member within the suture trimmer." In order to perform the method of claim 8, a suture trimmer as specified in claim 1 having such a groove and such an opening must be used. Thus, it is apparent that the method of claim 8 and the trimmer of claim 1 constitute different embodiments of the same invention, because the method of claim 8 cannot be performed without the trimmer of claim 1. The method and trimmer claims should be examined together as a single invention. Likewise, trimmer claim 12 specifies another embodiment of the invention, but similarly specifies a groove and opening for the suture. Thus, claims 1, 8 and 12 all constitute a single invention. Moreover, the trimmer specified in claim 11 further links the method and trimmer claims as different aspects of one invention.

The Examiner's comment that the claimed method can be performed with a needle and a pair of scissors is not understood. A needle and a scissor do not provide the necessary groove and opening in a configuration necessary for carrying out the method steps specified in claim 8.

In view of the foregoing, the Applicants respectfully request withdrawal of the Restriction Requirement between claim groups I and II, and request simultaneous examination of all of claims 1 to 20, as amended herein. In addition, the Applicants request withdrawal of the election of species requirement.

Should the Examiner feel that a telephone conference would advance prosecution of the present application, he is invited to call the undersigned attorney at the number listed below.

Respectfully submitted,

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